

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBBIN L. BANISTER,

Plaintiff,

vs.

No. CV 21-00177 KG/JHR

MRS. TRIVO,

et al.,

Defendants.

ORDER TO CURE DEFICIENCY

Plaintiff has submitted a civil rights complaint. The Court determines that Plaintiff's submission is deficient because Plaintiff has not paid the \$402.00 filing fee or filed an Application to Proceed in District Court Without Prepaying Fees or Costs in proper form. Plaintiff has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. 2) that does not comply with the requirements under 28 U.S.C. § 1915 for proceeding *in forma pauperis* in federal court. The Motion and Affidavit is not made under penalty of perjury, is not signed by Plaintiff, and does not include any financial information or the 6-month inmate account statement required by §§ 1915(a) and (b). Plaintiff must cure this deficiency within thirty (30) days from entry of this Order by *either* paying the full \$402.00 civil filing fee *or* submitting a proper Application to Proceed in District Court Without Prepaying Fees or Costs including a certified copy of Plaintiff's inmate account statement for the 6-month period immediately preceding this filing. *See* 28 U.S.C. § 1915(a)(2). Failure to cure the designated deficiency within thirty (30) days from entry of this Order may result in dismissal of this action without further notice.

IT IS ORDERED that within thirty (30) days of entry of this Order, Plaintiff *either* pay the full \$402.00 civil filing fee *or* submit a proper Application to Proceed in District Court Without Prepaying Fees or Costs that includes a certified copy of Plaintiff's inmate account statement for the 6-month period immediately preceding this filing; and the Clerk is directed to mail to Plaintiff a copy of this order and 2 copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.


UNITED STATES MAGISTRATE JUDGE